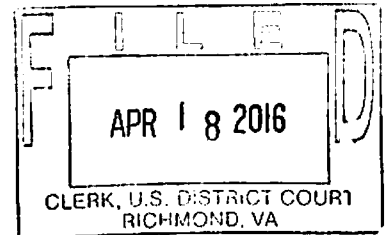


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



KEITH McDONALD,

Plaintiff,

v.

Civil Action No. 3:16CV65

CAPTAIN S. WILLIAMS,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on March 4, 2016, the Court conditionally docketed the action. At that time, the Court directed Keith McDonald to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided McDonald with an in forma pauperis affidavit form for this purpose. The Court warned McDonald that a failure to return the in forma pauperis affidavit within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

McDonald has not complied with the order of this Court. McDonald failed to return the in forma pauperis affidavit. As a result, he does not qualify for in forma pauperis status.

Furthermore, he has not paid the statutory filing fee for the instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to McDonald.

/s/ REP
Robert E. Payne
Senior United States District Judge

Date: April 15, 2016
Richmond, Virginia